

From: Wroe Jackson
To: Amber Hausenfluck (Amber.Hausenfluck@senate.state.tx.us)
Sent: 10/25/2013 4:56:58 PM
Subject: Substantially Similar Names
Attachments: 131024exactnamenotrequired.pdf; 131025turnoutDay4.pdf; ADV2013-14 Similar Names.pdf; similar-names-presentation.ppsx; Training Power Point- Final.pptx

Hey, Amber!

It was good to see Senator Van de Putte on MSNBC last night. (She also did great on YNN this morning!) I've been following the story that she was discussing on the Lawrence O'Donnell program and wanted to make sure that she (and you) had everything needed from our office for constituents or future media appearances.

First, I'd like to draw your attention to the attached press release sent out by Secretary Steen yesterday afternoon regarding exact matches between a voter's information on the voter registration rolls and the form of identification presented by a voter. As the Secretary notes, it is not necessary for a voter's name on the presented identification and the name on the registration to match exactly. In the release, the Secretary also notes that, after four days of early voting, we have not heard any reports of voters being turned away because the two pieces of information do not match. (Incidentally, we were very proud to announce this afternoon that voter turnout during the first four days of early voting has FAR outpaced previous constitutional amendment elections. I have attached the Secretary's release on this as well.)

Texas election workers across the State have been trained in how the procedure is supposed to work for "substantially similar" names. Practically speaking, the procedure should go as follows: When a voter presents their identification to a poll worker, the poll worker will compare that identification to the information listed for the voter on the county's voter registration roll so that "the voter's identity can be verified from the documentation presented..." Tex. Elec. Code § 63.001(d). If the names are an exact match, "the voter shall be accepted for voting." Id. If the name on the identification "does not match exactly with the name on the [voter registration] list," the poll worker will have to determine whether or not the names are "substantially similar" "under standards adopted by the secretary of state." Tex. Elec. Code § 63.001(c). If the names are determined to be substantially similar, the poll worker will request that the voter initial a box on the "combo form" stating that the person presenting the identification is the same person on the voter registration roll. Contrary to some disinformation being spread throughout the State, voters are not required to present a separate affidavit or other documents, but merely place their initials in a box on a form verifying their identity. (As an aside, the amendment by Senator Davis – which Senator Van de Putte correctly referenced last night – inserted the "substantially similar" language into 63.001(c). Previously, when someone presented a driver license to receive a ballot (as many voters had done in prior elections, at least 50% of all voters in some estimates), their identity merely had to be verified, without the "substantially similar" considerations.) If the voter refuses to initial the affidavit (for any reason) or if the election worker determines that the names are not substantially similar, only then will the voter be asked to vote provisionally. Any voter who votes provisionally will have until November 12, 2013 to visit their voter registrar and "cure" their provisional ballot by providing their form of identification and, if the voter chooses, additional information that can help to verify the identity of the voter.

The Secretary has provided much guidance on this issue. Primarily, this information can be found in 1 TAC § 81.71 "Substantially Similar Name Standards." (I believe that you will find the information most pertinent in § 81.71(c).) I have also linked to some emergency changes to that rule that are in effect now (under the emergency procedures and are up for review to become permanent rules) here; these emergency rules appear in the October 11 version of the Texas Register. Additionally, the Secretary, through the Elections Division, has provided substantial training to county and local election officials, county party chairs, and election workers through various presentations and advisories. (Attached to this email are the following documents: Annual Seminar Presentation "How to Handle Substantially Similar Names;" the Power Point version of the Secretary's poll worker training; and the most recent advisory sent yesterday by Keith Ingram as a reminder to the election community.)

The determination of "substantially similar" names seems to be a process that has worked well for those Texans who have already voted, regardless of gender. (Anecdotally, we have heard from some counties that more men have questions than women about to "substantially similar" names, due to suffixes and nicknames.) We have also had some election administrators go on record lately about the ability to work around whatever issues a voter has had and the

ease of the process. (See this piece by Bud Kennedy today in the Fort Worth Star Telegram.) Regardless, we wish to remain vigilant to any disinformation or any instance of voters being disenfranchised. I hope you and the Senator will keep us apprised of anything we can do to combat either of these things. The last thing we want is for people to avoid the polls because they don't have all the right facts about voting in Texas.

I hope you have a great weekend!

Best,
Wroe

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